

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

BENJAMIN TARIRI,  
 Plaintiffs,  
 v.  
 CHASE HOME FINANCE, LLC and  
 WASHINGTON MUTUAL BANK,  
 Defendants.

Civil Action No. 10-cv-12246

## NOTICE OF REMOVAL

**To: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS**

Pursuant to 28 U.S.C. §§ 1441 and 1446, the defendant Chase Home Finance, LLC (“Chase”) hereby files this Notice of Removal in the above-captioned action, and sets forth below the grounds for this Notice of Removal.

1. On or about September 13, 2010, the plaintiff Benjamin Tariri filed a Complaint and Demand for Jury Trial (“Complaint”) in the Massachusetts Superior Court for Suffolk County (Civil Action No. SUCV2010-3606-G). The plaintiff served Chase with a copy of the Complaint on or about December 7, 2010.

2. The Complaint “is brought pursuant to Truth in Lending Act of 1968, as amended, RESPA statutes, as well as Massachusetts General Laws.” Complaint, Exhibit A hereto at ¶ 5. Accordingly, the United States District Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1331 because it arises “under the ... laws ... of the United States.”

3. The United States District Court also has original jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a) because it is between citizens of different states and the amount in controversy exceeds \$75,000.

4. According to the Civil Action Cover Sheet filed in the Suffolk County Superior Court with the Complaint, the plaintiff seeks money damages in the amount of \$425,000. See Civil Action Cover Sheet, Ex. A.

5. According to the Complaint, the plaintiff resides at 19 Appleton Street, Cambridge, Middlesex County, Massachusetts. See Complaint at ¶ 1.

6. Chase is a limited liability company organized under the laws of the State of Delaware and having its principal office in the State of New York. For purposes of diversity jurisdiction, Chase is not a citizen of the Commonwealth of Massachusetts. See 28 U.S.C. § 1332(c)(1); The Hertz Corp. v. Friend, 130 S. Ct. 1181, 1192-95 (2010).

7. Nor is the Federal Deposit Insurance Corporation (“FDIC”), as Receiver for Washington Mutual Bank,<sup>1</sup> a citizen of the Commonwealth of Massachusetts for purposes of diversity jurisdiction. Rather, civil suits in which the FDIC is a party -- in any capacity -- “shall be deemed to arise under the laws of the United States.” 12 U.S.C. § 1819(b)(2)(A).

8. Venue is proper in the Eastern Division of the District of Massachusetts pursuant to 28 U.S.C. § 1391(b) and Local Rule 40.1(D) of the United States District Court for the District of Massachusetts because the plaintiff is the only party residing in the Commonwealth of Massachusetts, and he resides within the Eastern Division.

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<sup>1</sup> On September 25, 2008, the United States Department of Treasury’s Office of Thrift Supervision (“OTS”) entered Order No. 2008-36 for Receivership of a Federal Savings Association – Washington Mutual Bank (“OTS Receivership Order”). A copy of the OTS Receivership Order is available on the OTS website at <http://files.ots.treas.gov/680024.pdf>. The OTS Receivership Order appointed the FDIC to act as Receiver for Washington Mutual Bank, which appointment the FDIC accepted. The FDIC, not Washington Mutual Bank, is therefore the real party in interest.

9. Copies of all process and pleadings on file with the Superior Court of Suffolk County, Massachusetts that were served on Chase are being filed with this Notice of Removal, and are attached hereto as Exhibit A.

10. Chase will provide written notice of the filing of this Notice of Removal as required by 28 U.S.C. § 1446(d), including filing a copy of this Notice of Removal with the clerk of the Superior Court of Suffolk County, Massachusetts.

CHASE HOME FINANCE, LLC,  
By its attorneys,

/s/ Matthew A. Kane

Donn A. Randall, BBO# 631590  
Matthew A. Kane, BBO# 666981  
Bulkley, Richardson and Gelinas, LLP  
98 North Washington Street, Suite 500  
Post Office Box 9750  
Boston, MA 02114-0016  
(617) 368-2500  
(617) 368-2525 fax  
Email: [mkane@bulkley.com](mailto:mkane@bulkley.com)

Dated: December 28, 2010

**ASSENTED-TO BY:**

FEDERAL DEPOSIT INSURANCE  
CORPORATION, as Receiver for  
Washington Mutual Bank,  
By its attorneys,

/s/ Robert A. McCall

Robert A. McCall, BBO# 552682  
Peabody & Arnold LLP  
600 Atlantic Avenue  
Boston, MA 02210  
(617) 951-2100  
(617) 951-2125 fax  
Email: [rmccall@peabodyarnold.com](mailto:rmccall@peabodyarnold.com)

**CERTIFICATE OF SERVICE**

I, Matthew A. Kane, hereby certify that a true and correct copy of the foregoing document was served via first class mail, postage prepaid, upon the *pro se* plaintiff on December 28, 2010.

Benjamin Tariri  
75 Central Street  
Boston, MA 02109

/s/ Matthew A. Kane  
Matthew A. Kane